

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Ana M. Gonzalez , Grants Specialist, 954-797-1190

PREPARED BY: Ana M. Gonzalez, Grants Specialist

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LOCAL AGENCY PROGRAM (LAP) CERTIFICATION; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: In order for the Town of Davie to be eligible to receive any funding from FDOT, the Town must become Local Agency Program (LAP) certified with FDOT. This program is the District's Enhancement Program and is administered by the Broward County Metropolitan Planning Organization. The signing of the Town of Davie Certification Qualification Agreement & Administration Operations Checklist will serve as the Town's official commitment to the program and its acknowledgement to follow all LAP guidelines and procedures. The two signed documents will be used to complete our LAP application process.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Recommends that the resolution be adopted by Town Council and that staff bring back project specific agreements after LAP certification is approved by FDOT.

Attachment(s): Resolution, Administrative Operations Checklist, Local Agency Certification Qualification Agreement, LAP Summary and LAP details.

Due to the size of the Local Agency Program Certification application, the binder can be reviewed in the Grants Specialist's office.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LOCAL AGENCY PROGRAM (LAP) CERTIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Davie (LAP) certification is a state and federal requirement for local agencies to utilize federal funding; and

WHEREAS, The Town of Davie has been allocated approximately \$597,204 in federal grant funding to date for Transportation Project Enhancements; and

WHEREAS, The Town of Davie must become certified through the Florida Department of Transportation's Local Agency Program (LAP) in order to be eligible to receive this funding; and

WHEREAS, The Town of Davie commits sufficient staff, budget and other resources to project administration to ensure all applicable federal statutes, rules and regulations are met; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie hereby approves the LAP certification qualification agreement application with the Florida Department of Transportation to become certified under the Local Agency Program (LAP).

SECTION 2. The Town Council of the Town of Davie hereby approves the LAP administrative operation checklist with the Florida Department of Transportation to accompany the LAP application.

SECTION 3. That the Mayor or Town Administrator is authorized to execute all documents relating to
this agreement.

SECTION 4. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

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MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____,2007

7/18/2007 11:25:52 AM

Federal Requirements LAP Checklist for Administrative Operations

Local Agency: **TOWN OF DAVIE** County: **BROWARD** Municipality: **Town of Davie**

Requirement	Reference	Local Agency Responsibility	District Monitoring Responsibilities	Reference	Local Agency Check	District Check (FDOT)
1a. Advertising for Bids	23 CFR 635.112(d) (e) (f) (g) (h), 49 CFR 18.36	<p>The Local Agency shall advertise authorized projects a minimum of 3 weeks and make available approved plans and specifications to bidders during the advertising period.</p> <p>Approval shall be obtained by the Local Agency prior to issuing any addenda which contain a major change to the approved plans or specifications during the advertising period.</p>	<p>Review Local Agency procedures, guidelines, policies, etc.</p> <p>Provide procedures, guidelines and or policies that reflect Advertising for bid process.</p> <p>Provide sample advertisement to FDOT showing advertising begin date and advertising end date.</p> <p>Agency can only use FDOT Federally approved Design Build Process.</p> <p>www.dot.state.fl.us/construction</p> <p>See page 105 of CACC manual.</p>	<p>Advertising shall be conducted in accordance with minimum periods required. See Section 3.</p> <p>A copy of the Local Agencies sample procedures and guidelines has been included. See Section 5.</p> <p>A Sample Advertisement has been included. Please see enclosed. See Section 3.</p>		

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Requirement	Reference	Local Agency Responsibility	District Monitoring Responsibilities	Reference	Local Agency Check	District Check (FDOT)
2a. Bid Opening and Tabulation	23 CFR 635.113(a)	<p>The Local Agency shall publicly open and announce either item by item or by total amount all bids received in accordance with the terms of the advertisement. Any bid received and not read aloud, shall have the name of the bidder and the reason for not reading the bid aloud publicly announced at the letting.</p> <p>The Local Agency shall forward Tabulations of bids certified by a responsible official to FDOT. The tabulation shall show: (1) Bid item details for at least the low three acceptable bids and (2) The total amounts of all other acceptable bids.</p> <p>The Local Agency shall develop a process specifically for Design Build projects that includes the handling of proposals and information.</p>	<p>Review Local Agency procedures, guidelines, policies, etc.</p> <p>Provide procedures, guidelines and or policies that reflect bid opening and tabulation process for Agency.</p> <p>Provide sample notice of bid opening announcement</p> <p>Provide sample bid tabulation data listing all bids and estimates received.</p> <p>Agency can only use FDOT Federally approved Design Build Process.</p> <p>www.dot.state.fl.us/construction</p> <p>See page 107 of CACC manual.</p>	<p>A copy of the Local Agencies sample procedures and guidelines has been included. See Section 5.</p> <p>A Sample has been enclosed, under the Sample bid document Document 0300 pages 9 of 17 See Section 6.</p> <p>Please also find attached copy of a project sample bid document. See Section 6.</p> <p>Local Agency documents will reflect this language. See Section 5.</p>		

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Requirement	Reference	Local Agency Responsibility	District Monitoring Responsibilities	Reference	Local Agency Check	District Check (FDOT)
3a. Bid Analysis and Award of Contract	23 CFR 635.114	<p>The Local Agency shall examine the unit bid prices of the apparent low bid for reasonable conformance with the engineer's estimate. A written process should be in place for documenting the analysis of bids, determining unbalanced and non-responsive bids, identification of non-responsible bidders and the Local Agency's award/reject recommendation.</p> <p>The Local Agency shall award contracts solely on the basis of the lowest responsive bid submitted by a bidder meeting the criteria of responsibility with the prior approval of FDOT.</p> <p>The Local Agency shall develop a process specifically for Design Build projects that includes the review and evaluation of proposals and the method of announcing the successful proposal.</p>	<p>Review Local Agency procedures, guidelines, policies, etc.</p> <p>Provide procedures, guidelines and policies that reflect bid analysis and award of contract process for Agency.</p> <p>Provide sample bid analysis documentation. Bid analysis is the basis for justifying contract award or rejection of the bid.</p> <p>Provide process for prequalifying a contractor. All projects on the State Highway system must use a pre-qualified FDOT consultant. http://infonet.dot.state.fl.us/contractsadministration/</p> <p>Federal aid contracts shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting the criteria of responsibility.</p> <p>See page 111 of CACC manual.</p>	<p>A copy of the Local Agencies sample procedures and guidelines has been included. See Section 5.</p> <p>Please see attached a copy of a Sample Bid Analysis document. See Section 6.</p> <p>Please see attached a copy of a Sample Bid Analysis document. See Section 6.</p>		
4a. Contract time	23 CFR 635.121	<p>Provide procedures to be used. May use section 1.2.7 of FDOT CPAM as guide.</p>	<p>Review Local Agency procedures, guidelines, policies, etc.</p> <p>Provide procedures, guidelines and policies that reflect contract time policy. http://www.dot.state.fl.us/constructionmanuals/cpam/CPAM70000000/cpamman.htm</p>	<p>A copy of the Local Agencies sample procedures and guidelines has been included. See Section 5.</p>		

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Requirement	Reference	Local Agency Responsibility	District Monitoring Responsibilities	Reference	Local Agency Check	District Check (FDOT)
5a. Engineer's Estimate	23 CFR 630B	If the project is on the SHS and NHS the Local Agency must follow FDOT's method of estimating.	Review documents to make sure a valid estimate was done for NHS projects. http://www.dot.state.fl.us/construction/Publications/ManualsMain.htm http://www.dot.state.fl.us/estimates/	N/A		
6a. Project Supervision and Staffing	23 CFR 635.105	Outline procedures to ensure compliance with plans and specifications. Must have a full time employee in responsible charge of the project (name and title)	See page 92 of CACC manual. Review Local Agency procedures, guidelines, policies, etc. Provide FDOT resumes of key staff personnel that will be responsible for overseeing contractors. Provide FDOT with sample field review reports used to identify the projects progress. See page 117 of CACC manual.	A copy of the Local Agencies sample procedures and guidelines has been included. See Section 5. Please staff resumes enclosed. See Section 7.		
7a. Warranty clauses	23 CFR 635.413	Provide FDOT with procedures to be used and include FDOT approved procedures in bid documents.	Review Local Agency procedures, guidelines, policies, etc. Provide procedures, guidelines and or policies that reflect warranty clauses contract process for Agency. See page 162 of CACC manual.	A copy of the Local Agencies sample procedures and guidelines has been included. See Section 5.		

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Local Agency: I hereby certify that the above mentioned Administration Operations contain the provisions set forth in this checklist.

Signature	Town Mayor
Tom Truex	Position Title
Name (Printed)	Date

Signature	Town Administrator
Gary Shimun	Position Title
Name (Printed)	Date

District LAP Administrator/Designee: I hereby certify that the above mentioned Administration Operations contain the provisions set forth in this checklist.

Signature	
Name (Printed)	
	Position Title
	Date

Central Office Statewide LAP Administrator: I hereby certify that the checklist is complete as indicated.

Signature	
Name (Printed)	
	Position Title
	Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT

525-010-33
PROJ. MGT. RESEARCH & DEV. OFC
J5501
Page 1 of 2

AGENCY TOWN OF DAVIE

The noted agency hereby agrees to comply with the following requirements when developing all projects on the Federal Aid Highway Systems:

1. The *Local Agency Program Manual* and all policies and guidelines promulgated by the State of Florida Department of Transportation (FDOT) which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways and the Regulations issued pursuant thereto.
2. The overall approval authorities and conditions will be as follows:
 - a. The designs will be reviewed and approved by the following State of Florida registered Professional Engineer.

TOWN ENGINEER

Position Title Only

- b. The hearing's findings (if required) will be reviewed and approved by the following official or officials.

TOWN ATTORNEY

Position Title or Titles Only

- c. The contract plans, specifications and estimate of cost will be reviewed and approved by the following State of Florida registered Professional Engineer.

TOWN ENGINEER

Position Title or Titles Only

- d. Agreements will be signed by the following responsible local official:

(1) Railroad

TOWN ENGINEER

Position Title Only

(2) Utility

DIRECTOR OF UTILITIES

Position Title Only

(3) Consultant

TOWN ENGINEER

Position Title Only

(4) Technical Services

TOWN ENGINEER

Position Title Only

- e. The award of contract will be signed by the following responsible official.

TOWN MAYOR, TOWN ATTORNEY & TOWN CLERK

Position Title or Titles Only

- f. If there are DBE requirements on a project, the following will be the DBE liaison officer:

DIRECTOR OF HUMAN RESOURCES

Position Title

g. All projects will be designed and constructed in conformance with the requirements of the *Local Agency Program Manual*.

h. The Contract Administration will be supervised by the following State of Florida registered Professional Engineer.

TOWN ENGINEER

Position Title Only

i. Construction Administration and Material Sampling and Testing will be accomplished in accordance with the requirements of the *Local Agency Program Manual*.

3. The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.

4. The agency agrees to submit the names of the approving authorities noted in Section 2 above with each project prospectus.

5. All projects under Local Agency Certification shall be available for review by the FHWA and the State at any time, and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three-year period following acceptance of the project by FHWA.

6. The FDOT District Local Agency Program Administrator's approval of the Local Agency Certification may be rescinded at any time upon request by the local agency or if in the FDOT District Local Agency Program Administrator's opinion it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the Local Agency Certification.

Mayor or Chairman

Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

The Local Agency is certified in the following functional areas:

☐ Design

☐ Consultant Selection

☐ Bid and Award Project

☐ Right of Way

☐ Planning

☐ Environmental Documentation

☐ Construction Administration

Approved By:

District Secretary or Designee

Date

**SUMMARY OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL
AGENCY PROGRAM (LAP) CERTIFICATION PROCESS:**

The Florida Department of Transportation (FDOT) has historically contracted with other governmental agencies to develop, design, acquire right-of-way, and construct transportation facilities and to reimburse these governmental agencies for services provided to the traveling public. When the Department contracts with Local Agencies for reimbursement to the Local Agencies using Federal funds administered by the Federal Highway Administration (FHWA), the Department will be held accountable to ensure the Certified Local Agencies comply with all applicable Federal statutes, rules and regulations. Locals must be LAP-certified before entering into a LAP Agreement.

The Local Agency Program (LAP) is administered in each District by a District LAP Administrator designated by the District Secretary. Project-level direction and oversight are provided through the District Offices of Planning, Environmental Management, Design, Right-of-Way, Policy Planning, Environmental Management, Federal-Aid, Design, Contracts Administration, Equal Opportunity, Comptroller, and Program Development. The Central Office LAP Administrator chairs the standing committee on standards and practices for local agencies.

Chapter 3

LOCAL AGENCY CERTIFICATION

3.1 GENERAL

3.1.1 The Federal Highway Administration (FHWA) has delegated authority to the Florida Department of Transportation (Department) to approve project development and construction administration in some instances. The Department has the option of delegating some of this authority to qualified Local Agencies through the Local Agency Program (LAP). This procedure permits a Local Agency to retain more of the approval authority at the local level when developing federally funded transportation projects. The benefits of LAP to a Local Agency usually include savings in time and money since the Local Agency has the authority to advertise, award, and manage its own projects. LAP also gives Local Agencies more control over design and implementation.

3.1.2 Although the process for developing Federal-aid projects may be streamlined under LAP, Local Agencies need to understand that LAP requires Local Agencies to commit sufficient staff and other resources to project administration to ensure that all applicable State and Federal requirements are met. Once a Local Agency has been certified, the Certification Agreement between the Local Agency and FDOT remains in effect indefinitely unless rescinded or modified by one of the parties. With District approval the Local Agency may develop any Federal-aid project for which it qualifies using the procedures permitted under LAP.

3.1.3 Generally, the processes described in this chapter for administering Federal-aid projects are applicable to State and Federal agencies in addition to Local Agencies. However, because they typically receive and administer Federal funds and have adequate organizational structures, State and Federal agencies are generally exempt from the certification requirements of this section. On a project-specific basis, The Department may request State and Federal agencies to provide the LAP Certification Application information contained in this section if there are questions or concerns with the ability of a particular unit of the Local Agency to carry out a specific task.

3.1.4 National Environmental Policy Act (NEPA) Class of Action Determination and right-of-way activities cannot be delegated to Local Agencies under FHWA requirements to Local Agencies under the LAP process or other oversight exemptions. Therefore, when LAP requirements are discussed throughout this manual, Class of

Action Determination and right-of-way activities are excluded. However, the Local Agency can receive limited pre-qualification to engage in right-of-way activities at the time it applies for LAP Certification, with full pre-qualification being granted on a project-by-project basis. Refer to the pre-qualification requirements in Chapter 12. All Department requirements associated with right-of-way, including mandatory pre-qualification requirements of the Local Agency by the Department and final right-of-way certification requirements are set out in Chapter 12. Local Agency decisions associated with the right-of-way phase are permitted only to the extent provided in Chapter 12 and not to the same degree which may be allowed under the LAP process for other aspects of the project development and construction program. To reiterate, when LAP requirements are specified in this manual, the District Right-of-Way requirements and specific delegations set forth in Chapter 12 will be applicable to all right-of-way activities. The Local Agency may be certified to develop environmental documentation as described in Chapter 11.

A Local Agency which has not been certified to administer FHWA projects must obtain the approval through a District LAP Administrator to enter into agreement with a Certified Local Agency for administration of any projects.

3.2 NEED FOR CERTIFICATION

1. LOCAL AGENCY CERTIFICATION FEATURES

1.1 A Local Agency certified to administer Federal-aid projects; it may develop and accomplish the following:

- (1) Location and Design
- (2) Utility Agreements
- (3) Railroad Agreements
- (4) Standard Consulting Engineering Agreements
- (5) Environmental Documentation
- (6) Bid Reviews
- (7) Advertisement and Award of Construction Contracts
- (8) Construction Administration
- (9) Construction Material Testing and Testing Personnel
- (10) Force Account (Performing Work Using the Local Agency's Employees)

1.2 A Local Agency that is certified to design and to perform construction administration is also certified to perform design-build projects. A design-build project is one in which the design and construction phases of a project are performed under one contract. This type of project is allowed under the Local Agency Program. The procedure used by the

Local Agency for selecting a design-build firm should generally follow that used by the Department - "Design-Build Procurement and Administration" (Procedure No. 625-020-010-d).

1.3 FHWA and the Department retain the approval authority or oversight responsibility for the following:

- (1) Planning Requirements
- (2) Funds Authorization
- (3) Environmental Class of Action Determination and documentation including NEPA and ESA (Endangered Species Act)
- (4) Right-of-Way Certification
- (5) Plans, Specifications, and Estimates (PS&E)
- (6) Final Inspection
- (7) Equal Employment Opportunity Program
- (8) Disadvantaged Business Enterprise (DBE)

Only local agencies with full certification status may construct federal aid projects using agency forces and only after receiving approval from FDOT on a "Cost Effectiveness Finding".

3.3 LOCAL AGENCY CERTIFICATION REQUIREMENTS

- (1) Each project must be administered in accordance with this manual.
- (2) *Each project will be administered by a qualified and experienced person who is either on staff as a public employee or is a consultant designated as the Local Agency's engineer.*
- (3) The Local Agency shall have sufficient expertise and capability to perform and supervise the design, environmental, PS&E, and construction administration phases of the project. *Its engineering force is capable of performing the design, PS&E, and construction administration phases of the project or they may enter into consultant agreements for the performance of this work.*
- (4) The Local Agency has designated an official approving authority for all Department-delegated project approvals. This authority (e.g., Local Agency executive or policy body) must officially approve each project step for which it is the approving authority, as identified in the LAP Agreement.

3.4 SUBMITTING LAP CERTIFICATION APPLICATION

3.4.1 A Local Agency desiring to complete Federally-funded projects under LAP must submit the following packet of information to the District LAP Administrator:

- (1) Two (2) copies of the "Local Agency Certification Qualification Agreement" (Form No. 525-010-33) (See Appendices 3.8.1)
- (2) Local Agency's Table of Organization
- (3) Narrative addressing its capabilities, staff, and experience in the specific areas where certification is requested, namely: planning; right-of-way, design, estimates, construction, environmental assessments, bid and award, consultant selection, financial systems, and ability to matching Federal funds.
- (4) Transmittal letter signed by an appointed or elected official of the Local Agency
- (5) Copy of latest Single Audit Report

3.5 APPLICATION REVIEW PROCESS

3.5.1 After receiving the above information, the District LAP Administrator will conduct an interview with the Local Agency administrators to determine whether the Local Agency is capable of administering Federally-funded project. The District LAP Administrator will utilize a District Task Team approach to evaluate the Local Agency's qualifications.

3.5.2 The District Task Team will be comprised of Department employees with expertise in the area(s) where LAP Certification is requested and be present at the interview. Past performance, current staffing, overall capability, and knowledge of FHWA and State requirements will be considered in determining the Local Agency's certification. If any information is missing from the application or additional details are needed, the Local Agency may submit this documentation in a timely manner to the District LAP Administrator.

3.6 DETERMINING TYPE OF CERTIFICATION

Based on the interview, the application, and any other information requested, the District LAP Administrator will consider the following certification options:

- (1) Permit general (full) administration by the Local Agency of all projects;
- (2) Allow limited Local Agency administration on a project-by-project basis;
- (3) Allow Local Agency administration of projects up to a maximum dollar limit; or
- (4) Deny Local Agency Certification

3.7 NOTIFYING LOCAL AGENCY OF CERTIFICATION

3.7.1 The District LAP Administrator will advise the Local Agency by letter that they have been certified or denied certification. If then Local Agency has been certified, the District LAP Administrator should also provide a signed copy of the "Local Agency Certification Qualification Agreement." If certification has been denied, the letter should state the reasons for the denial. A Local Agency that has been denied certification may apply again after correcting the deficiencies indicated in its rejection letter. The same steps are followed as in the original application except that the application package needs only to address those areas affected by the corrected deficiency.

3.7.2 Local Agencies that have been granted certification must obtain the District LAP Administrator's approval to administer each Federal-aid project.

3.7.3 In addition, the District LAP Administrator will consult with and advise the Local Agency concerning the project management procedures to be followed. The level of this assistance will depend on the nature of each project and the demonstrated capabilities of the Local Agency. In addition, the District LAP Administrator will annually select certain projects for a Quality Assurance Review.

3.7.5 The Local Agency may lose its certification if problems surface during Quality Assurance Review by the District LAP Administrator, during an audit by the State Auditor, during final project inspection by the FHWA Area Engineer, during final project inspection by the Department Engineer on exempt projects, or if a restructuring or reorganization of the Local Agency occurs that the District LAP Administrator determines to be of possible detriment to their certification status.

